



# **Proposed Implementation of the Regulatory Component of Senate Bill 2080**

**July 8, 2009**

**Robert M. Brown, Director  
Environmental Resource Regulation Department**

## Senate Bill 2080 Background

- **June 11, 2009** - Presentation to Governing Board on the Proposed Implementation of Senate Bill 2080:
  - “...required the water management district governing boards to delegate to the executive director all of its authority to take final action on permit applications under part II or part IV...”
  - “...authorized the governing boards to provide a process for referring any denial of such application or petition to the governing board to take final action...”

## Senate Bill 2080 Background – (cont'd)

- “...stated that such process shall expressly prohibit any member of a governing board from intervening in any manner during the review of an application prior to such application being referred to the governing board for final action...”

## Senate Bill 2080 Background - (cont'd)

- **June 30, 2009** - Senate Bill 2080 signed into law and Governor's transmittal letter included the following language:
  - "...contains provisions that delegate final agency action to the executive director on surface water and consumptive use permit applications...";
  - "...asked the governing boards and executive directors to continue to include surface water and consumptive use permits on board meeting agendas or other public meetings for discussion and transparency purposes..."

## Proposed Process

### ■ Ongoing

- Advertise Notice of Intended Agency Action for applications of Heightened Public Concern in Florida Administrative Weekly (once application is deemed complete)

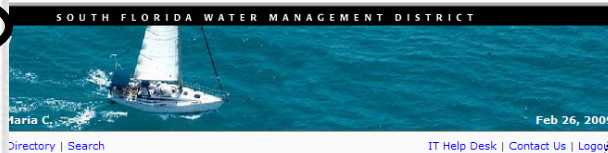
### ■ Weekly

- Meeting with Executive Director or her designee and appropriate District staff to discuss applications
- Mail-out of approved permits
  - Routine Permits - Notice of Rights will be mailed out with the permit (similar to process for General Permits currently in place)

## Proposed Process (cont'd)

- Mail-out of Notice of Rights and Draft Staff Reports at least 21 days prior to permit issue date for applications of Heightened Public Concern
- Updates on all actions posted on District website/ePermitting

# SFWMD Permits Information Currently Available



## Permitting

- » ePermitting
- » Application/Permit Info
  - » Environmental Resource
  - » Everglades Works of the District
  - » Lake Okeechobee Works of the District
  - » Right of Way
  - » Water Use
  - » Well Construction
- » Regulatory Guidance
- » Rules, Statutes, & Criteria
- » News & Meetings
- » Who to Contact

### Organization

#### Permitting

- » ePermitting
- » Application/Permit Info
- » Environmental Resource
- » Everglades Works of the District
- » Lake Okeechobee Works of the District
- » Right of Way
- » Water Use
- » Well Construction
- » Regulatory Guidance
- » Rules, Statutes, & Criteria
- » News & Meetings
- » Who to Contact

### Permitting

The South Florida Water Management District (SFWMD) protects the supply and the quality of water resources by regulating the management and storage of surface waters and the dredging or filling of wetlands with **ENVIRONMENTAL RESOURCE PERMITS**. For more information on Environmental Resource Permits, please reference the *Environmental Resource Permit Information Manual Volume IV* [pdf 29mb].

We also regulate ground and surface water withdrawals ("WATER USE" or "CONSUMPTIVE USE") by major users such as water utilities, agriculture and nurseries, golf courses, mining and other industrial users. The District also issues **WATER WELL CONSTRUCTION PERMITS & LICENSE INFORMATION**.

**RIGHT OF WAY (ROW) PERMITS** are issued to protect the SFWMD's ability to effectively and safely use the canal and levee rights of way of the Central and Southern Florida Flood Control Project, the related water conservation areas, the works of the Big Cypress Basin, and certain other canals and rights of way - while providing for compatible public and private uses. For temporary access to SFWMD rights of way, local governments, contractors and others can request **KEY PERMIT ACCESS**.

The District also issues Surface Water Improvement and Management (SWIM) "Works of the District" permits to property owners working to reduce nutrient/pollution flows into areas such as **LAKE OKEECHOBEE** and the **EVERGLADES**.

» SFWMD Expands Online Public Access to Permitting Records - Improved ePermitting Web database provides more cost-effective access. (Jan. 28)

» Quick Facts on Getting to Know ePermitting [PDF]

» Quick Facts on Statewide Unified Stormwater Rule [PDF]

#### Related Links



### On this page

- Key Permit Application
- Application/Permit Search
- Permit Application Forms
- Peer Review Group
- Rule Development
- Permit Contacts
- Everglades Regulation
- Apps Scheduled for Governing Board
- Permit Fees Website
- Permit Fees [pdf]

### On this page

- Key Permit Application
- Application/Permit Search
- Permit Application Forms
- Peer Review Group
- Rule Development
- Permit Contacts
- Everglades Regulation
- Apps Scheduled for Governing Board
- Permit Fees [pdf]
- ERP Permit Fees
- ROW Permit Fees
- Water Use
- Weekly list of individual applications processed (pdf)
- Weekly list of individual applications complete (pdf)
- List of Individual Permits Issued for previous month (pdf)

- **Weekly list of Individual applications processed (pdf)**
- **Weekly list of individual applications complete (pdf)**
- **List of Individual Permits Issued for previous month (pdf)**



## Proposed Process - (cont'd)

- Monthly
  - Public Meeting to Discuss Regulatory Matters
  - List of individual permits issued during the previous month will be provided to Governing Board Members and posted on the District website/ePermitting



# Staff Recommendation

Public Meeting with Executive  
Director to Discuss Regulatory  
Matters

## Public Meeting with Executive Director to Discuss Regulatory Matters

- Monthly meeting to receive public comment on applications of Heightened Public Concern and discussion of general regulatory matters (to be facilitated by Executive Director or designee)
- Scheduled on Tuesday or Wednesday of the week following the Governing Board Meeting (currently scheduled for August 18, September 15, October 20, November 17 and December 15, 2009)
- Meetings noticed in Florida Administrative Weekly
- Agenda posted 7 days prior to the meeting on District website
- Agenda to include:
  - Applications of Heightened Public Concern pending Final Action (deemed complete)
  - Applications of Heightened Public Concern that are under review by District staff
  - Public Comment on General Regulatory Matters including routine Individual Permits

## Public Meeting with Executive Director to Discuss Regulatory Matters

### Benefits:

- Allows stakeholders additional opportunity for public comment
- Expedites issuance of individual permits as recommended by the 2008 OPPAGA Report
- Implementation does not require additional staffing
- Engages the public earlier in the regulatory process and promotes transparency

# Questions?

# Public Meeting to Discuss Regulatory Matters

- **3 Options to Consider**

- Option 1

- Public Meeting to Discuss Regulatory Matters

- Option 2

- Public Meeting to Discuss Regulatory Matters  
Incorporated into Governing Board Workshop  
Agenda

- Option 3

- Hybrid

## Option 2 – Public Meeting Incorporated into Governing Board Workshop Agenda

- Monthly Meeting to receive public comment on applications of Heightened Public Concern and general regulatory matters – facilitated by Executive Director
- Incorporated into Governing Board Workshop Agenda
  - Noticed as part of monthly Governing Board Agenda
  - Agenda posted 7 days prior to the meeting on District website
  - Agenda to include:
    - Applications of Heightened Public Concern pending Final Action (deemed complete)
    - Applications of Heightened Public Concern that are under review by District staff
    - Public Comment on General Regulatory Matters including routine Individual Permits

## Option 3 – Hybrid

- **Two Public Meetings held Monthly**

- Heightened Public Concern

- All Individual Consumptive Use and Environmental Resource Permits elevated as a result of heightened public concern will receive public comment in a manner consistent with Option 2 (Incorporated into Governing Board Agenda)

- Routine Individual Permits

- All other Individual Consumptive Use and Environmental Resource Permits will receive public comment in a manner consistent with Option 1 (separate meeting following the week of Governing Board)